

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
SAN FRANCISCO BAY REGION

ORDER NO. 87-086

REQUIRING IT CORPORATION, PANOCHE FACILITY,  
SOLANO COUNTY, TO CEASE AND DESIST THREATENING TO  
DISCHARGE WASTE IN VIOLATION OF THE TOXIC PITS CLEANUP ACT OF 1984

The California Regional Water Quality Control Board, San  
Francisco Bay Region (hereinafter called the Board), finds that:

1. IT Corporation (hereinafter called the discharger) owns and operates a Class I disposal site known as the Panoche Facility located northeast of the City of Benicia in Solano County. The site currently consists of three lined and eight unlined waste ponds, a temporarily closed landfill, a closed landfill, several temporary stockpiles of waste material removed from the sites of former waste ponds, and several closed ponds.
2. The Board adopted waste discharge requirements (Order No. 81-31) on May 20, 1981, prescribing waste discharge prohibitions, waste disposal specifications, and provisions designed to protect waters of the State.

3. Order No. 81-31 states in part:

"A. Waste Discharge Prohibitions

...

2. The discharge of any waste from the disposal area to surface or ground waters of the State is prohibited. Waste material and any water that has contacted waste material shall be contained in the designated disposal areas..."
4. Section 25208.6 of the California Health and Safety Code (Toxic Pits Cleanup Act of 1984 or TPCA) states that "when a Regional Board determines that a surface impoundment is polluting, or threatens to pollute, waters of the State ..., the Regional Board shall either order the surface impoundments to close, ..., or take both the following actions:
  - a. issue a cease and desist order pursuant to Section 13301 of the Water Code prohibiting any discharge into the surface impoundment and require appropriate removal and remedial actions by the person or other responsible parties to cleanup any pollution which may have occurred.
  - b. require the surface impoundments to comply with subdivision (a) of Section 25208.5. The Regional Board shall not grant an exemption for such a surface

impoundment pursuant to subdivision (c) of Section 25208.5"

5. Section 25208.4 of the California Health and Safety Code (TPCA) states "a person shall not discharge liquid hazardous waste or hazardous waste containing free liquids into a surface impoundment after June 30, 1988, if the surface impoundment, or the land immediately beneath it, contains hazardous wastes and is within one-half mile upgradient from a potential source of drinking water."
6. Based on available data surface impoundments at the Panoche Facility are within one-half mile upgradient from a potential source of drinking water.
7. The beneficial uses of local groundwaters are:
  - \* Domestic supply
  - \* Agricultural supply
8. Section 25208.1(a) and (d) of the Health and Safety Code (TPCA) state: "Discharges of liquid hazardous wastes or hazardous wastes containing free liquids into lined or unlined ponds, pits, and lagoons pose a serious threat to the quality of the waters of the State." and "Recent studies have found that synthetic liners, clay liners, and combinations, including clay and synthetic liners, impede, but do not eliminate, leachate from surface impoundments migrating into the surrounding environment."
9. On September 30, 1986 the Board issued Cleanup and Abatement Order No. 86-013 (CAO) to the discharger. The CAO instructed the discharger to summarize existing data, perform hydrogeological investigations, and determine the status of the facility ponds with regard to TPCA.
10. Finding 24 of the CAO states "... The continued storage of waste in ponds Q and QP, and the lack of a final closure plan for ponds 12, 13, 13A, 14, 15, and 16 is polluting or threatens to pollute State waters. Finding 23 indicates that additional investigations need to be performed in the area of ponds 1, 1A, and 2 to determine if any or all of these ponds are polluting or threatening to pollute State waters."
11. In a June 1, 1987 report submitted in response to Task 5c of the CAO, the discharger stated that there is evidence that ponds 1, 1A, and 2 have leaked waste constituents. The discharger contends that this leakage does not pollute nor threaten to pollute State waters because the leakage does not unreasonably affect beneficial uses of State waters.
12. There is no groundwater monitoring data available to indicate whether ponds 8, 17, and 18 are threatening to pollute State waters. However, based on the fact that these are clay lined ponds and based on the Legislative findings

noted in Finding 8 there is a distinct possibility that these ponds pose a threat to the quality of State waters.

13. The discharger submitted a Report of Waste Discharge on April 1, 1987 which calls for the closure of all facility ponds.
14. Based on the following, all the surface impoundments at the Panoche Facility are threatening to pollute State waters:  
1. The historical fact that some ponds at this facility have leaked waste constituents, specifically leaks have occurred in the areas of ponds O, P, Q, 1, 1A, and 2, and the former ponds 12 through 16; 2. Leaking hazardous waste ponds pose a threat to pollute State waters; and 3. The legislative findings noted in Finding 8 above.
15. The threat of pollution requires that the closure process, including pond liquid removal, should begin immediately. However, the degree of threat is small and does not warrant a more aggressive liquid removal schedule than that necessary to meet the statutory deadline of June 30, 1988, as specified in Section 25208.4 of the Health and Safety Code. Final closure should be completed as expeditiously as possible after liquid removal. In addition, the closure process should begin immediately to assure compliance with the deadlines contained in Section 25208.4 of the Health and Safety Code.
16. Issuance of this order is exempt from the provisions of the California Environmental Quality Act (Public Resources Code Section 21000, et seq.) in accordance with Section 15321, Chapter 3, Title 14 of the California Administrative Code because this is an enforcement action of a regulatory agency.
17. The Board has notified the discharger and interested agencies and persons of its intent to issue this Order and has provided them with the opportunity for a public hearing and to submit their written views and recommendations.
18. The Board in a public hearing, heard and considered all comments pertaining to this matter.

IT IS HEREBY ORDERED, pursuant to Section 13301 of the California Water Code, that IT Corporation, Panoche Facility, Cease and Desist from threatening to violate the Toxic Pits Cleanup Act of 1984 as follows:


1. Close all hazardous waste surface impoundments at the facility pursuant to a closure plan approved by the Board. Closure shall be as defined in Section 25208.2(d) of the California Health and Safety Code, and the closure plan shall be accordance with Section 2597 of Subchapter 15, Chapter 3, Title 23, California Administrative Code.

2. Submit a contingent closure plan for all surface impoundments by September 1, 1987. This plan shall describe how the surface impoundments will be closed if the discharger's proposal for modernizing the facility, as contained in the April 1987 Report of Waste Discharge, is not approved or implemented.
3. Operate the facility such that all surface impoundments shall contain no liquid hazardous wastes or hazardous waste containing free liquids on or after June 30, 1988.
4. By August 15, 1987 submit information on the total volume of liquid and sludges contained in the waste ponds at the facility as of August 1, 1987. This shall include information on ponds 1, 1A, 2, 8, 17, 18, O, P2, P4, Q, and QP.
5. Measure the liquid inventory in each surface impoundment weekly and report the information monthly to the Board by the 10th day of the following month.
6. By the 10th of each month submit a report showing the total volume of liquids at the facility waste ponds, the expected evaporation between that date and June 1988 (taking into consideration the winter rainfall return frequency year being experienced by the facility), and an estimation of whether Task 1 above can be complied with. If it is determined that the liquids can not be removed by June 30, 1988 by evaporation, a report on alternative means of liquid removal shall be submitted within 15 days of the determination and implemented as soon as necessary to assure compliance with Task 1.
7. Time schedules contained in this Order supercede time schedules for liquid removal contained in Cleanup and Abatement Order 86-013.
8. Winterization plans for the 1987-88 rainy season shall minimize the amount of runoff water directed to the waste ponds. All runoff waters which have not contacted wastes shall be directed to the stormwater retention pond, Pond 2B, or directly off-site.
9. If the discharger provides new evidence by December 31, 1987 that demonstrates that the facility surface impoundments are not within one half mile upgradient of a potential source of drinking water the Board will reconsider the required dates for removing pond liquids contained in this Order. In no event shall the date for removing pond liquids be later than January 1, 1989.
10. All submittals must be made as follows: two copies to the Board, one copy to the State Water Resources Control Board, one copy to the Department of Health Services, one copy to the Environmental Protection Agency, one copy to Solano

County Environmental Health Department, and one copy to the City of Benicia.

11. If the Executive Officer finds that the discharger has failed to comply with the provisions of this Order, he is authorized, after approval of the Board Chairman, to request the Attorney General to take appropriate action against the discharger, including injunctive and civil remedies, if appropriate, or issue a Complaint for Board consideration of administrative civil liabilities.

I, Roger B. James, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, San Francisco Bay Region, on July 15, 1987.

  
ROGER B. JAMES  
Executive Officer